

**DEPARTMENT  
OF JUSTICE**

**Order**

A.G. Order 829-79  
Dtd: 4/25/79

**Subject:** COUNSEL FOR INTELLIGENCE POLICY

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1. PURPOSE. This order establishes a Counsel for Intelligence Policy within the Office of Legal Counsel and directs establishment of a separate Office of Intelligence Policy and Review.
2. AUTHORITY. 28 U.S.C. 509, 510 and 5 U.S.C. 301.
3. FUNCTIONS. The Counsel for Intelligence Policy shall:
  - a. Advise the Attorney General, organizational units of the Department and executive agencies on questions relating to the development, interpretation, and application of statutes, regulations and procedures relating to United States intelligence activities.
  - b. Serve as the Department of Justice representative to the National Foreign Intelligence Board.
  - c. Advise and assist the Attorney General in connection with the Attorney General's responsibilities under Executive Order 12036.
  - d. Without assuming any of the internal security functions assigned to the Assistant Attorney General in charge of the Criminal Division, coordinate the development and implementation of departmental policy on intelligence and national security matters.
  - e. Perform such other duties pertaining to these responsibilities as may be assigned by the Attorney General or Deputy Attorney General.

DOJ Review Completed

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**Distribution:**

**Initiated By:**

4. ORGANIZATION AND SUPERVISION

- a. The Counsel for Intelligence Policy shall be appointed by the Attorney General.
- b. Pending the establishment of a separate Office of Intelligence Policy and Review, the Counsel for Intelligence Policy shall be subject to the general supervision and direction of the Assistant Attorney General in charge of the Office of Legal Counsel.

5. ESTABLISHMENT OF THE OFFICE OF INTELLIGENCE POLICY AND REVIEW

The Assistant Attorney General for Administration shall take all steps necessary to establish a separate Office of Intelligence Policy and review as soon as practicable. The Office shall be established in accordance with the following principles:

A. Organization

The Office of Intelligence Policy and Review shall be headed by a Counsel, appointed by the Attorney General. The Counsel shall be subject to the general supervision and direction of the Attorney General or, whenever appropriate, the direction of the Deputy Attorney General.

B. Functions

The Counsel for Intelligence Policy and Review shall have general responsibility for all intelligence matters within the Department of Justice including:

- (1) Policy development and coordination of all intelligence matters. To fulfill this responsibility the Counsel shall:
  - a. Advise the Attorney General, organizational units of the Department and executive agencies on questions relating to the development, interpretation, and application of statutes, regulations and procedures relating to United States intelligence activities;

- b. serve as the Department of Justice representative to the National Foreign Intelligence Board;
  - c. advise and assist the Attorney General in connection with the Attorney General's responsibilities under Executive Order 12036; and
  - d. coordinate the development and implementation of departmental policy on intelligence and national security matters.
- (2) Operational matters pertaining to foreign intelligence collection, and foreign counter-intelligence investigations. To fulfill the responsibility the Counsel shall:
- a. Review the administration of statutes, Executive orders, regulations, guidelines or other directives pertaining to domestic security, foreign intelligence, counter-intelligence, and programs and practices pertaining to intelligence and criminal investigations, as may be directed by the Attorney General or Deputy Attorney General.
  - b. Supervise the preparation and submission to court of certifications and applications for orders under the Foreign Intelligence Surveillance Act, P.L. 95-511.
- (3) Performance of such other duties pertaining to these responsibilities as may be assigned by the Attorney General or Deputy Attorney General.

C. Relationship to Other Departmental Units

The Assistant Attorney General in charge of the Criminal Division shall continue to be responsible for internal security functions assigned in 28 C.F.R. § 0.61. Responsibility for conducting criminal investigations shall continue to rest with the head of the departmental investigative or prosecutive unit having

jurisdiction over the subject matter involved. Responsibility for conducting intelligence activities shall continue to rest with the head of the departmental unit having jurisdiction over the subject matter involved.

6. Title 28 of the Code of Federal Regulations will be amended to reflect the establishment of the Office of Intelligence Policy and Review when that office is formally established.

Dated: 4/25/79

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Attorney General

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